

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWEST DIVISION**

United States of America,

Plaintiff,

v.

**Heritage Manufacturing, Inc.,
Rough Rider revolver, model
RR22999, .22 caliber, serial
number v37521,**

Defendant.

Case No.

COMPLAINT FOR FORFEITURE IN REM

Plaintiff, United States of America, by its attorneys, Timothy A. Garrison, United States Attorney for the Western District of Missouri, and James Curt Bohling, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is an action to forfeit property to the United States for violations of 18 U.S.C. § 924(d)(1).

THE DEFENDANT IN REM

2. The defendant Heritage Manufacturing, Inc., Rough Rider Revolver, Model RR22999, .22 caliber, serial number V37521, was seized from Alford Taylor on November 21, 2017, at 319 N. Main Street, Jasper, Missouri. It is presently in the custody of United States Bureau of Alcohol, Tobacco, Firearms and Explosives.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a). This Court also has jurisdiction over this particular action under 18 U.S.C. § 924(d)(1).

4. This Court has *in rem* jurisdiction over the defendant property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district and pursuant to 28 U.S.C. § 1355(b)(1)(B), incorporating 28 U.S.C. § 1395, because the property is located in this district.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts or omissions giving rise to the forfeiture occurred in this district and pursuant to 28 U.S.C. § 1395, because the property is located in this district.

BASIS FOR FORFEITURE

6. The defendant property is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) because it is a firearm in the possession of a person who has been convicted of a crime punishable by imprisonment for a term exceeding one year in a violation of 18 U.S.C. § 922(g)(1).

FACTS

7. On November 6, 2017, Alfred P. Taylor (Taylor) filled out the paperwork to purchase a Heritage Manufacturing, Inc., Rough Rider Revolver, Model RR22999, .22 caliber revolver, serial number V37521, from Liberty Tree, a Federal Firearms Licensee (FFL) in Carthage, Missouri. The revolver was transferred to Taylor on November 10, 2017. On November 15,

2017, the Federal Bureau of Investigation, National Instant Criminal Background Check System (NICS), denied the transaction because Taylor has a 1982 Felony Conviction of Assault – 2nd.

8. It is unlawful pursuant to 18 U.S.C. § 922(g)(1) for Taylor to possess a firearm in or affecting commerce because he has a felony conviction.

9. The Rough Rider firearm was possessed in or affecting commerce.

10. On November 21, 2017, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Special Agent Alec Davis and Task Force Officer (TFO) Justin Barnett, aided by local officers from Jasper, Missouri, recovered the Rough Rider firearm from Taylor at his home in Jasper, Missouri.

CLAIM FOR RELIEF

11. The Plaintiff repeats and incorporates by reference the paragraphs above.

12. By the foregoing and other acts, the defendant firearm was involved in or used in a violation of 18 U.S.C. § 922(g)(1), and therefore, is forfeited to the United States pursuant to 18 U.S.C. § 924(d)(1).

WHEREFORE the United States prays that the defendant property be forfeited to the United States, that the plaintiff be awarded its costs and disbursements in this action, and for such other and further relief as the Court deems proper and just.

Respectfully submitted,

Timothy A. Garrison
United States Attorney

By: /s/ James Curt Bohling
James Curt Bohling, #54574
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VERIFICATION

I, Task Force Officer Justin Barnett, hereby verify and declare under penalty of perjury that I am a Task Force Officer with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, that I have read the foregoing Verified Complaint in Rem and know the contents thereof, and that the factual matters contained in paragraphs seven through ten of the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Task Force Officer of the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated 3/26/2018

/s/ Justin Barnett
Justin Barnett
Task Force Office
United States Bureau of
Alcohol, Tobacco, Firearms, &
Explosives

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

CIVIL COVER SHEET

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Western District of Missouri.

The completed cover sheet must be saved as a pdf document and filed as an attachment to the Complaint or Notice of Removal.

Plaintiff(s):

First Listed Plaintiff:

United States of America ;

County of Residence: Greene County

Defendant(s):

First Listed Defendant:

Heritage Manufacturing, Inc., Rough Rider Revolver, Model RR22999, .22 caliber, serial number V37521 ;

County of Residence: Jasper County

County Where Claim For Relief Arose: Jasper County

Plaintiff's Attorney(s):

Assistant United States Attorney James Curt
Bohling (United States of America)
United States Attorney's Office
400 E. 9th Street, Fifth Floor
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Phone: 816-426-7173

Fax:

Email: curt.bohling@usdoj.gov

Defendant's Attorney(s):

Basis of Jurisdiction: 1. U.S. Government Plaintiff

Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff: N/A

Defendant: N/A

Origin: 1. Original Proceeding

Nature of Suit: 690 All Other Forfeiture and Penalty Actions

Cause of Action: The defendant property is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) because it is a firearm in the possession of a person who has been convicted of a crime punishable by imprisonment for a term exceeding one year in a violation of 18 U.S.C. § 922(g)(1).

Requested in Complaint

Class Action: Not filed as a Class Action

Monetary Demand (in Thousands):

Jury Demand: Yes

Related Cases: Is NOT a refiling of a previously dismissed action

Signature: James Curt Bohling

Date: March 26, 2018

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form